

# EXHIBIT 116

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1 MARK HANSEN - HIGHLY CONFIDENTIAL  
2 UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MASSACHUSETTS  
4 CIVIL ACTION NO: 1:14-cv-14176

5  
6 STUDENTS FOR FAIR ADMISSIONS, INC., )  
7 ) Plaintiff, )  
8 VS. )  
9 PRESIDENT AND FELLOWS OF HARVARD )  
10 COLLEGE (HARVARD CORPORATION), )  
11 ) Defendant. )  
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12 DEPOSITION OF  
13 MARK HANSEN  
14 BOSTON, MASSACHUSETTS  
15 WEDNESDAY, JULY 19, 2017

16 HIGHLY CONFIDENTIAL  
17 ATTORNEY'S EYES ONLY

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23  
24 REPORTED BY: DENISE D. HARPER-FORDE  
25 JOB NO: 127106

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2 THE WITNESS: I don't recall.

3 (BY MR. CONNOLLY):

4 Q. Do you recall ever doing any  
5 follow-up analysis into whether Asians were  
6 disadvantaged in Harvard's admissions  
7 process?

8 MR. DULBERG: Objection.

9 THE WITNESS: In a general sense,  
10 yes.

11 (BY MR. CONNOLLY):

12 Q. Do you know why you would have  
13 conducted this follow-up research?

14 MR. DULBERG: Objection.

15 THE WITNESS: To incorporate  
16 additional data analysis not originally  
17 available to us in our original analysis or  
18 exploratory work.

19 (BY MR. CONNOLLY):

20 Q. Can you tell me who at Harvard was  
21 aware of your analysis of whether Asians  
22 were being disadvantaged in Harvard's  
23 admissions process?

24 MR. DULBERG: Objection.

25 THE WITNESS: Sorry. Could you

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2 repeat the question.

3 MR. CONNOLLY: Sure.

4 (Whereupon, the last question was  
5 read back by the Court Reporter)

6 MR. DULBERG: Objection.

7 THE WITNESS: Generally, yes.

8 (BY MR. CONNOLLY):

9 Q. Who generally was aware?

10 MR. DULBERG: Objection.

11 THE WITNESS: Likely the rest of  
12 the institutional research team.

13 (BY MR. CONNOLLY):

14 Q. Anyone else?

15 MR. DULBERG: Objection.

16 THE WITNESS: Dean Fitzsimmons.

17 (BY MR. CONNOLLY):

18 Q. Anyone else?

19 MR. DULBERG: Objection.

20 THE WITNESS: We were working with  
21 an admissions to provide additional data,  
22 but her name is escaping me.

23 (BY MR. CONNOLLY):

24 Q. Was it Elizabeth Yong?

25 MR. DULBERG: Objection.

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2 THE WITNESS: Sounds familiar,  
3 yes.

4 (BY MR. CONNOLLY):

5 Q. Do you know if Jeff Neal was aware  
6 of your analysis?

7 MR. DULBERG: Objection.

8 THE WITNESS: Could you repeat the  
9 question.

10 (BY MR. CONNOLLY):

11 Q. I can repeat it.

12 Do you know if Jeff Neal was aware  
13 of any of your analysis into whether Asians  
14 were being disadvantaged in Harvard's  
15 admissions process?

16 MR. DULBERG: Objection.

17 THE WITNESS: I saw his name on  
18 documents produced yesterday as part of  
19 preparation, but I did not at the time,  
20 no.

21 (BY MR. CONNOLLY):

22 Q. So do you know whether he saw  
23 this?

24 MR. DULBERG: Objection.

25 THE WITNESS: I do not, no.

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2 Q. Before I believe you testified that  
3 there were multiple projects in which you  
4 analyzed whether Asians were disadvantaged  
5 in the admissions process. Do I have that  
6 correct?

7 MR. DULBERG: Objection.

8 THE WITNESS: It's hard to make the  
9 distinction between one project and  
10 multiple projects. Often with a lot of the  
11 work in The Office of Institutional  
12 Research there would be multiple iterations  
13 that might be dealing with the same  
14 question in different ways or advising  
15 prior work.

16 (BY MR. CONNOLLY):

17 Q. So you remember having multiple  
18 iterations into the question of whether  
19 Asians were being disadvantaged in  
20 Harvard's admissions process?

21 MR. DULBERG: Objection.

22 (BY MR. CONNOLLY):

23 Q. That's correct?

24 MR. DULBERG: Objection.

25 THE WITNESS: Can you repeat the

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2 question.

3 (BY MR. CONNOLLY):

4 Q. Is it your testimony that you  
5 remember multiple iterations into whether  
6 Asians were being disadvantaged in the  
7 admissions process?

8 MR. DULBERG: Objection.

9 THE WITNESS: Yes.

10 (BY MR. CONNOLLY):

11 MR. CONNOLLY: Shall we break for  
12 lunch.

13 (Off the record at 11:57 AM)

14 (Lunch break taken)

15 (Back on the record at 12:38)

16 MR. CONNOLLY: I would like to mark  
17 as Exhibit 5 a document Bates number 65741.

18 (Whereupon, Exhibit No. 5,

19 Admissions 2013 Presentation, was  
20 marked for identification).

21 (BY MR. CONNOLLY):

22 Q. Please review this, and let me know  
23 when you have finished. Do you recognize  
24 this document?

25 A. Only in a very general sense, and

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2 it maybe that a copy of this was presented  
3 to me during preparation.

4 Q. Do you know what this document  
5 is?

6 MR. DULBERG: Objection.

7 THE WITNESS: I do not.

8 (BY MR. CONNOLLY):

9 Q. I will represent that the file name  
10 is "Admissions\_presentation\_2013,  
11 0118\_MH"?

12 A. Okay.

13 Q. Given OIR's file naming practices,  
14 is there any reason to believe that you did  
15 not author this document?

16 MR. DULBERG: Objection.

17 THE WITNESS: No, subject to the  
18 caveats I outlined earlier in terms of  
19 whether conventional was followed and  
20 additional authors.

21 (BY MR. CONNOLLY):

22 Q. Okay. Is it reasonable to assume  
23 based on the file name that this was  
24 created around January 18, 2013?

25 MR. DULBERG: Objection.

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2 THE WITNESS: I'm not sure.

3 Subject to the same caveats before.

4 (BY MR. CONNOLLY):

5 Q. Turn to page 65743. Can you  
6 describe to me generally what this chart  
7 represents?

8 MR. DULBERG: Objection.

9 THE WITNESS: Yes.

10 (BY MR. CONNOLLY):

11 Q. What does it represent?

12 MR. DULBERG: Objection.

13 THE WITNESS: The admit rates by  
14 ethnicity.

15 (BY MR. CONNOLLY):

16 Q. Do you know why you were only  
17 looking at Whites and Asians in this  
18 chart?

19 MR. DULBERG: Objection.

20 THE WITNESS: Repeat the  
21 question.

22 (BY MR. CONNOLLY):

23 Q. Do you know why you were only  
24 looking at Whites and Asians in this  
25 chart?

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2 MR. DULBERG: Objection.

3 THE WITNESS: I believe for a  
4 descriptive depth for our future  
5 progression analysis.

6 (BY MR. CONNOLLY):

7 Q. Is this document one of the  
8 iterations that you described earlier into  
9 whether Harvard's admissions process  
10 disadvantages Asians?

11 MR. DULBERG: Objection. Objection  
12 also to the extent that it mischaracterizes  
13 the prior testimony.

14 THE WITNESS: I'm sorry. Can you  
15 repeat the question.

16 (BY MR. CONNOLLY):

17 Q. Is this document one of the  
18 iterations you referenced earlier about  
19 whether Harvard's admissions process  
20 disadvantages Asians?

21 MR. DULBERG: Objection.

22 THE WITNESS: It seems likely,  
23 yes.

24 (BY MR. CONNOLLY):

25 Q. Do you recall whether this document

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2 was drafted in response to any questions  
3 asked of you or OIR?

4 MR. DULBERG: Objection.

5 THE WITNESS: I don't recall.

6 (BY MR. CONNOLLY):

7 Q. As a general matter, would it be  
8 connected to the research you were doing  
9 related to the Ron Unz article?

10 MR. DULBERG: Objection.

11 THE WITNESS: I think as a general  
12 matter, yes. At least it's likely.

13 (BY MR. CONNOLLY):

14 Q. Can you turn to page 65745. Can  
15 you tell me what this chart shows?

16 MR. DULBERG: Objection.

17 THE WITNESS: It would be  
18 standardized differences in test scores and  
19 ratings for White and Asian applicants.

20 (BY MR. CONNOLLY):

21 Q. And what does it show for academic  
22 rating?

23 MR. DULBERG: Objection.

24 THE WITNESS: On average Asian  
25 applicants have an academic rating that is

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2 generally higher than the Asian admit rate,  
3 and both are -- even to the most qualified  
4 applicants, are just below 50 something  
5 percent, 52.

6                   (BY MR. CONNOLLY):

7                   Q. Does this chart show that for  
8 Whites and Asians who have the same  
9 academic index, Whites are admitted at a  
10 higher rate?

11                   MR. DULBERG: Objection.

12                   THE WITNESS: Yes.

13                   (BY MR. CONNOLLY):

14                   Q. Do you have an explanation for that  
15 finding?

16                   MR. DULBERG: Objection.

17                   THE WITNESS: I'm not sure what  
18 you're asking; impossible or?

19                   (BY MR. CONNOLLY):

20                   Q. Do you have any explanation for why  
21 White students were being admitted at a  
22 higher rate than Asian students when the  
23 academic index was the same?

24                   MR. DULBERG: Objection.

25                   THE WITNESS: Only academic index

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2    does not account for every consideration in  
3    the admissions process. There are likely  
4    other factors, but I can't be specific.

5                   (BY MR. CONNOLLY):

6    Q. Is that just a guess?

7                   MR. DULBERG: Objection.

8                   THE WITNESS: I'm not sure what  
9    you're asking.

10                  MR. DULBERG: Off the record very  
11   briefly.

12                  (Off the record at 1:02 PM)

13                  (Attorney Fletcher joined the  
14   deposition)

15                  (Back on the record at 1:03 PM)

16                  (BY MR. CONNOLLY):

17    Q. Do you remember having a reaction  
18   when you saw the data on page 6?

19                  MR. DULBERG: Objection.

20                  THE WITNESS: I do not know. I  
21   don't recall.

22                  (BY MR. CONNOLLY):

23    Q. Turn to page 65749. Can you  
24   describe to me generally what this chart  
25   shows?

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2 flagged as being athletes and having an  
3 academic rating of 1 or 2, their admit rate  
4 was somewhere between 80 and 90 percent.

5 Versus about 16 percent for anyone who is  
6 non-athlete, I think academic 1 or 2.

7 (BY MR. CONNOLLY):

8 Q. How would you describe what this  
9 chart shows about Asians?

10 MR. DULBERG: Objection.

11 THE WITNESS: So for Asian  
12 applicants with an academic rating of 1 or  
13 2, their admit rate is a little above 10  
14 percent.

15 And for non-Asian students or  
16 applicants, with academic ratings of 1 or  
17 2, their admit rate is a little above 16  
18 percent.

19 (BY MR. CONNOLLY):

20 Q. Do you have any explanation for why  
21 Asians with an academic 1 or 2 are admitted  
22 at a lower rate than others?

23 MR. DULBERG: Objection.

24 THE WITNESS: I do not.

25 (BY MR. CONNOLLY):

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2 Q. Would you agree that this is  
3 similar evidence that Asians are  
4 disadvantaged in Harvard's admissions  
5 process?

6 MR. DULBERG: Objection.

7 THE WITNESS: I'm not quite sure.

8 (BY MR. CONNOLLY):

9 Q. Why are you not sure?

10 A. There are likely other factors. So  
11 other factors being other ratings,  
12 attributes that are also present in  
13 admissions decisions.

14 Q. Does this provide any evidence into  
15 whether Asians are disadvantaged in the  
16 admissions process?

17 MR. DULBERG: Objection.

18 THE WITNESS: The same answer as  
19 before. I don't know that this is enough  
20 information to make a determination either  
21 way.

22 (BY MR. CONNOLLY):

23 Q. Is there enough information here  
24 that this chart would concern you, such  
25 that you would want to learn more?

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2 I would like to quickly ask some  
3 questions about some of those documents.

4 Is that okay?

5 THE WITNESS: Yes.

6 CROSS EXAMINATION

7 (BY MR. DULBERG):

8 Q. Pull out Exhibit 3. Turn to slide  
9 40. Do you see at the top left where it  
10 says: "Needs checking"?

11 A. I do.

12 Q. If you turn back to the very cover  
13 of this page, on it's face it reads:  
14 "Preliminary draft, not for circulation".

15 Do you see that?

16 A. I do.

17 Q. Do you agree with me that Exhibit 3  
18 is a draft?

19 A. Yes.

20 Q. You can put that document aside.

21 Let's look at Exhibit 5. Do you see on the  
22 front page underneath the title there is  
23 the word "subtitle"?

24 A. Yes.

25 Q. If you turn to slides 13 and 14, do

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2 you see that those slides are blank?

3 MR. CONNOLLY: Sorry. This is  
4 Exhibit 5?

5 MR. DULBERG: Exhibit 5, yes.

6 THE WITNESS: Yes.

7 (BY MR. DULBERG):

8 Q. Would you agree with me that  
9 Exhibit 5 is a draft?

10 MR. CONNOLLY: Objection.

11 THE WITNESS: Yes, it seems likely  
12 yes.

13 (BY MR. DULBERG):

14 Q. If we look at Exhibit 10, do you  
15 see in the middle of the front page where  
16 it says: "DRAFT" in all capital letters?

17 A. Yes.

18 Q. Do you believe that Exhibit 10 was  
19 likely a draft?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: Yes.

22 (BY MR. DULBERG):

23 Q. Earlier today you were asked some  
24 questions about statistics, and you  
25 referenced the difference between

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2 correlation and causation. Do you remember  
3 that testimony?

4 A. Yes.

5 Q. None of the work that you did at  
6 OIR shows a causal link between being Asian  
7 and being admitted to Harvard or not being  
8 admitted to Harvard; correct?

9 MR. CONNOLLY: Objection.

10 THE WITNESS: Yes.

11 (BY MR. DULBERG):

12 Q. None of the work that OIR did,  
13 shows a causal link between being Asian and  
14 being admitted or not admitted to Harvard;  
15 correct?

16 MR. CONNOLLY: Objection.

17 THE WITNESS: Is that the same  
18 question? I'm sorry.

19 MR. DULBERG: The first was you  
20 personally, and then the second question  
21 was the work of the office as a whole. So  
22 I will restate the second question.

23 (BY MR. DULBERG):

24 Q. None of the work that OIR did while  
25 you were employed by that office shows a

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2 causal link between being Asian and being  
3 admitted or not admitted to Harvard  
4 College; correct?

5 MR. CONNOLLY: Objection.

6 THE WITNESS: Yes.

7 (BY MR. DULBERG):

8 Q. Did you ever conclude that the  
9 Harvard College of Admissions and Financial  
10 Aid intentionally discriminates against  
11 Asians Americans?

12 MR. CONNOLLY: Objection.

13 THE WITNESS: No.

14 (BY MR. DULBERG):

15 Q. Does any of the work that you did  
16 while at OIR showed that Harvard College  
17 intentionally discriminates against Asian  
18 Americans?

19 MR. CONNOLLY: Objection.

20 THE WITNESS: I'm sorry.

21 (BY MR. DULBERG):

22 Q. There may or may not be?

23 A. Okay.

24 Q. Does any of the work that you did  
25 while at OIR showed that Harvard College

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2 discriminates against Asians Americans?

3 MR. CONNOLLY: Objection.

4 THE WITNESS: No.

5 (BY MR. DULBERG):

6 Q. You were asked some questions about  
7 the period of time during which you were  
8 looking into the question of whether Asians  
9 are disadvantaged in the admissions  
10 process. Do you remember that?

11 MR. CONNOLLY: Objection.

12 (BY MR. DULBERG):

13 Q. That testimony?

14 MR. CONNOLLY: Objection.

15 THE WITNESS: Yes.

16 (BY MR. DULBERG):

17 Q. During the period of time that you  
18 were looking into that question, was there  
19 other work that you were undertaking?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: It seems likely. I  
22 can't recall the specific start and end  
23 date, but generally yes.

24 (BY MR. DULBERG):

25 Q. In general, did you work on

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2 multiple projects at the same time while  
3 employed by OIR?

4 MR. CONNOLLY: Objection.

5 THE WITNESS: Yes.

6 (BY MR. DULBERG):

7 Q. You were asked some questions about  
8 a series of models that we saw in Exhibit  
9 4, that considered a limited number of  
10 inputs. Do you recall that?

11 MR. CONNOLLY: Objection.

12 THE WITNESS: Yes.

13 (BY MR. DULBERG):

14 Q. You were asked some questions  
15 throughout the day about other factors that  
16 might cause a difference in the likelihood  
17 of admission between Asians and non-Asians.

18 Do you recall listing a series of  
19 factors?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: Yes.

22 (BY MR. DULBERG):

23 Q. Are there other factors that you  
24 may not have thought of earlier today, that  
25 also might explain the apparent difference

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2 in likelihood of admission, based on one  
3 racial identification?

4 MR. CONNOLLY: Objection.

5 THE WITNESS: Yes.

6 (BY MR. DULBERG):

7 Q. The modelling that you undertook in  
8 Exhibit 4, does not take social economics  
9 status into account; correct?

10 MR. CONNOLLY: Objection.

11 THE WITNESS: That appears correct,  
12 yes.

13 (BY MR. DULBERG):

14 Q. There are other factors and data  
15 that are not reflected in these models;  
16 correct?

17 MR. CONNOLLY: Objection.

18 THE WITNESS: Certainly, yes.

19 (BY MR. DULBERG):

20 Q. Prior to conducting this modelling  
21 exercise referenced in Exhibit 4 in todays  
22 deposition, had you ever undertaken a  
23 similar modelling exercise for OIR or any  
24 other employer?

25 MR. CONNOLLY: Objection.

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2 THE WITNESS: I don't think so,  
3 no.

4 (BY MR. DULBERG):

5 Q. Do you consider yourself an expert  
6 in statistical modelling?

7 MR. CONNOLLY: Objection.

8 THE WITNESS: Not then, and  
9 certainly not now.

10 (BY MR. DULBERG):

11 Q. Do you consider yourself an expert  
12 statistician?

13 A. No.

14 Q. Do you have Doctorate degree in  
15 statistics?

16 MR. CONNOLLY: Objection.

17 THE WITNESS: No.

18 MR. DULBERG: I have no further  
19 questions. The deposition is concluded.

20 MR. CONNOLLY: No, I have the right  
21 to redirect.

22 MR. DULBERG: You would, but you  
23 have no time.

24 MR. CONNOLLY: I have one minute  
25 remaining.

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2 REPORTER'S CERTIFICATE

3  
4 I, DENISE D. HARPER-FORDE, CSR No.  
000133, Certified Shorthand Reporter,  
Certify that the foregoing proceedings were  
5 taken before me at the time and place  
therein set forth, at which time the  
6 witness was put under oath by me.

7 That the testimony of the witness, the  
questions propounded, and all objections  
8 and statements made at the time of the  
examination were recorded stenographically  
9 by me and were thereafter transcribed.

10 That the foregoing is a true and  
correct transcript of my shorthand notes so  
11 taken.

12 I further certify that I am not a  
relative or employee of any Attorney of the  
13 parties, nor financially interested in the  
action.

14 I declare under penalty of perjury  
15 under the laws of Massachusetts that the  
foregoing is true and correct.

18 Dated this 24th day of July, 2017

21 \_\_\_\_\_  
22 DENISE D. HARPER-FORDE, CSR NO. 000133  
23  
24  
25